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EXAMINER

BONZO, BRYCE P

ART UNIT PAPER NUMBER

2114

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,239

Applicant(s)

D'IPPOLITO ET AL.

Examiner

Bryce P. Bonzo

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-22 and 24-49 are rejected under 35 USC §103.

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-17, 22-31, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (United States Patent No. 5,963,911) in view of Dulman (United States Patent No. 6,018,567).

As per claim 1, Walker discloses:

A method of annunciating problems in a system, comprising correlating performance degradation information and service violation information associated with system problems, to produce priority information for said system problems (column 6, lines 34-35: relevant importance ... number of customers affected" (performance degradation) and column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements)); and

the concurrent *presence* of said system problems (column 6, lines 25-28: jobs requiring attention) and problem priority information associated with said systems problems (column 6, lines 29-36: conditions to the determine which job should take priority).

Walker does not explicitly disclose *concurrently announcing* said system signals. Dulman discloses the concurrent announcing of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

As per claim 2, Walker discloses:

wherein producing problem priority information comprises quantifying a relative importance of said system problems (column 7, lines 25-29: quantifies the problem data into common units).

As per claim 3, Walker discloses:

determining a cost associated with at least one problem (column 6, lines 49-column 7, line 10 describe cost specifically).

As per claim 4, Walker discloses:

determining the cost, comprises determining service level agreement penalties associated with breaches of service level agreement clauses (column 6, lines 55-63: "penalty may be a real monetary cost if compensation is payable to a customer for failure to meet a time" describes a type of service level agreement, that repairs are timely).

As per claim 5, Walker discloses:

determining performance degradation information (column 16, lines 30-31: "to an alarm generated by the fault monitoring system") and service violation information associated with a root cause of one said plurality of system problems (column 6, lines 54-58 describe service level violations; and every error has an associated root cause,

and of particular note is the claim only recites that an inherent association exists, not that the system determined this association).

As per claim 6, Walker discloses:

receiving from an alarm correlator an indication of an alarm associated with a root cause of a problem (column 6, lines 13-15).

As per claim 7, Walker discloses:

wherein concurrently annunciating, comprises concurrently annunciating for use by a display device for producing a display image (column 6, line 6: the video display unit).

As per claims 11, Walker discloses:

wherein producing problem priority information comprises correlating at least one of performance degradation information and service violation information to produce said problem priority information associated with said system problems (column 6, lines 44-63).

As per claim 12, Walker discloses:

receiving a plurality of alarm packets (column 6, lines 12-15).

As per claim 13, Walker discloses:

receiving a plurality of performance degradation data units for providing said performance degradation information (column 6, lines 12-15).

As per claim 14, Walker discloses:

receiving a plurality of service violation data units for providing service violation information (column 6, lines 53-64).

As per claim 15, Walker discloses:

receiving alarm data units for providing alarm information receiving performance degradation data units for providing performance degradation information and receiving service violation data units for providing service violation information (column 6, lines 12-14 and column 6, lines 53-64).

As per claim 16, Walker discloses:

associating at least one of said performance degradation information and said service violation information with one of said system problems (column 7, lines 35-59).

As per claim 17, Walker discloses:

producing signals representing a count of at least one of said alarm data units, said performance degradation data units and service violation data units related to said one of said system problems (column 7, lines 25-31).

As per claim 19, Dulman discloses:

concurrently annunciated problems and problem priority information as signals to a display device for use in producing a visual display (Dulman: column 15, lines 11-41).

As per claim 20, Dulman discloses:

further comprising producing a display in response to said signals (Dulman: column 17, lines 6-41 and column 18, lines 1-34).

As per claim 21, Walker discloses:

A method of annunciating problems in a system comprising:

correlating performance degradation and service information associated with system problems to produce problem priority information for said system problems;

and concurrently indicating said system problems and said problem priority information associated with said system problems.

Walker does not explicitly disclose *visually annunciating* said system signals. Dulman discloses the concurrent annunciating of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further

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uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

As per claim 45, Walker discloses:

a) a receiver for receiving data representative of system conditions, said data including performance degradation information and service violation information associated with system problems (column 6, lines 34-35: relevant importance ... number of customers affected" (performance degradation) and column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements));

b) a signal generator including a processor circuit in communication with said receiver to correlate said performance degradation information and said service violation information, to produce problem priority information for said problems; and to concurrently *create* said system problems and said problem priority information associated said system problems (column 6, lines 25-28: jobs requiring attention) and problem priority information associated with said systems problems (column 6, lines 29-36: conditions to the determine which job should take priority).

Walker does not disclose a display device for producing a visual image displaying the said concurrently annunciated system problems and problem priority information. Dulman discloses the concurrent annunciating of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

As per claim 46, Walker discloses:

A method comprising of annunciating problems in a system, comprising correlating current performance degradation information and service violation information associated with system problems, to produce problem priority information correlated to said system problems signals for concurrently indicating a plurality of system problems (column 6, lines 34-35: relevant importance ... number of customers

affected" (performance degradation) and column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements)); and

and concurrently *indicating* said system problems and said (column 6, lines 25-28: jobs requiring attention) and said problem priority information associated with said systems problems (column 6, lines 29-36: conditions to the determine which job should take priority).

Walker does not explicitly disclose *annunciating* a system problem with priority information. Dulman discloses the concurrent annunciating of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

As per claim 47, Walker discloses:

A method comprising of annunciating problems in a system, comprising correlating current performance degradation information and service violation information associated with system problems, to produce problem priority information correlated to said system problems signals for concurrently indicating a plurality of system problems (column 6, lines 34-35: relevant importance ... number of customers affected" (performance degradation) and column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements)); and

and concurrently *indicating* said system problems and said (column 6, lines 25-28: jobs requiring attention) and said problem priority information associated with said systems problems (column 6, lines 29-36: conditions to the determine which job should take priority) and producing signals which represent a cost associated with at least one problem (column 6, lines 53-67).

Walker does not explicitly disclose *visually annunciating* a system problem with priority information. Dulman discloses the concurrent annunciating of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker

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measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

As per claim 48, Walker discloses:

An apparatus for annunciating problems in a system, comprising:

a) a receiver for receiving current data representative of system conditions, said current data including current performance degradation and service violation information associated with system problems; and

b) a signal generator including a processor in communication with said receiver to correlate said performance degradation information and said service violation information associated with system problems, to produce priority information to correlated to said system problems (column 6, lines 34-35: relevant importance ... number of customers affected" (performance degradation) and column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements)); and for to concurrently *present* said system problems (column 6, lines 25-28: jobs requiring attention) and said problem priority information correlated with said systems problems (column 6, lines 29-36: conditions to the determine which job should take priority).

Walker does not explicitly disclose *concurrently annunciating* said system signals. Dulman discloses the concurrent annunciating of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

As per claim 49, Walker discloses:

An apparatus for annunciating problems in a system, comprising

a) a receiver for receiving current data representative of system conditions, said current data including current performance degradation and service violation information associated with system problems; and

b) a signal generator including a processor in communication with said receiver to correlate said performance degradation information and said service violation

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information associated with system problems, to produce priority information correlated to said system problems (column 6, lines 34-35: relevant importance ... number of customers affected" (performance degradation) and column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements)); and for producing signals for concurrently *presenting* said system problems (column 6, lines 25-28: jobs requiring attention) and said problem priority information associated correlated to said systems problems (column 6, lines 29-36: conditions to the determine which job should take priority), wherein said signal generator comprises means for associating a cost with at least one system problem (column 6, lines 55-63 "compensation is payable according to lateness" (service level agreements)).

Walker does not explicitly disclose *concurrently announcing* said system signals. Dulman discloses the concurrent announcing of system problems and the priority those problems (column 15, lines 11-41; column 17, lines 6-41). Walker provides a scheduling system which determines priority for use in repairing. Dulman provides a repair utility which determines priority and displays multiple problems and their priority to the user while the user determines how to best correct the problem. Dulman recognizes that prior art displays were lacking information at column 18, lines 1-36. Dulman further uses the same types of metrics to determine priority for repair as Walker, for instance over usage of a resource (column 15, lines 11-19). Walker measures against the SLA of a network while Dulman measures against unacceptable CPU usage. Thus it would have been obvious to one of ordinary skill in the art at the

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time of invention to incorporate the full featured visual concurrent display of priority and problem information of Dulman into the priority scheduling system of Walker thereby creating a more user friendly interface.

Claim 22 is the computer readable medium which carries the method of claim 1, and is rejected on the same grounds as claim 1.

Claim 24 is apparatus in means plus function form which carries out the method of claim 1, and is rejected on the same grounds as claim 1.

Claims 25-31 are apparatus which carries out the method of claim 1, and is rejected on the same grounds as claims 1-7.

Claim 8-10, 18-21 and 32-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (United States Patent No. 5,963,911) in view of Dulman (United States Patent No. 6,018,567) in view of Douik (United States Patent No. 6,012,152).

As per claim 8, Walker discloses:

performance degradation information, alarm information and service violation information (column 6 discloses numerous example of alarm, performance and service information).

Walker does not explicitly disclose:

user selection of at least one of performance degradation information, alarm information and service violation information, *for concurrent display with an associated system problem*. Douik discloses this concept at column 25, lines 19-26; column 27, lines 43-52; and, column 28, lines 26-30. Both Walker and Dulman provide for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the need for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and Dulman and therefore create a more user friendly system which shows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

As per claim 9, Walker discloses the use of:

performance degradation information and service violation information (column 6).

Walker and Dulman do not explicitly disclose the:

wherein *producing signals for depicting problem priority information* comprises *producing signals for depicting* at least one of performance degradation information and service violation information. Douik discloses this concept at column 25, lines 19-26;

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column 27, lines 43-52; and, column 28, lines 26-30. Walker and Dulman provide for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the need for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and Dulman and therefore create a more user friendly system which shows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

As per claim 10, Walker discloses:

wherein producing signals for depicting performance degradation information comprises receiving signals representing system fault events (column 21, lines 37-40).

As per claim 18, Walker discloses:

system problem hierarchy (column 6 discloses a complete ranking system for problems) including at least one system problem and at least one of performance degradation information, alarm information and service violation information associated with a selected one of said problem objects (column 6, discloses many criteria for ranking the problems including these).

Walker and Dulman do not disclose:

wherein *concurrently annunciating to a display for depicting problem priority information* comprises *producing signals for depicting* at least one of performance degradation information and service violation information. Douik discloses this concept at column 25, lines 19-26; column 27, lines 43-52; and, column 28, lines 26-30. Walker and Dulman provide for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the need for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and Dulman and therefore create a more user friendly system which shows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

Claims 32-44 are the apparatus which carries out the method of claim 1, and are rejected on the same grounds as claims 8-20.

Response to Applicant's Arguments

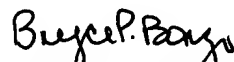
Applicant has amended the claims to "annunciate." Dulman clearly discloses the *concurrent visual display* (i.e. *annunciating*) of the priority and problem information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P. Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bryce P Bonzo
Primary Examiner
Art Unit 2114